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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,364	07/05/2006	Nicole Baratin	0579-1126	6895
466	7590	03/25/2010	EXAMINER	
YOUNG & THOMPSON			BECKER, DREW E	
209 Madison Street				
Suite 500			ART UNIT	
Alexandria, VA 22314			PAPER NUMBER	
			1794	
			NOTIFICATION DATE	
			DELIVERY MODE	
			03/25/2010	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No. 10/578,364	Applicant(s) BARATIN ET AL.	
	Examiner Drew E. Becker	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-26 is/are pending in the application.
- 4a) Of the above claim(s) 11-19 and 21-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/11/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 11-19 and 21-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/24/09.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7, 9, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Manganiello et al [Pat. No. 6,453,802].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manganiello et al as applied above, in view of Sham [Pat. No. 5,680,810]

Art Unit: 1794

Manganiello et al teach a method for operating a food steamer comprising a steam generator having a water evaporation vessel and heater unit (Figure 4, #10, 22, 30) by detecting an increase in temperature of a heater unit and triggering feeding of water to the vessel when heat sensor is exposed above the water level wherein this water level is associated with a predetermined amount of water to be added (column 6, lines 5-36), pouring water to the vessel by gravity at the beginning of the process (column 5, line 31), a pair of temperature sensors being located on opposite ends of the heater unit (Figure 5, #34a-b) wherein the two sensors are associated with two different temperature levels (column 6, lines 14-36), and deactivation of the heater unit if the lower temperature sensor is exposed (column 6, lines 29-36). Manganiello et al do not recite a water feed circuit which feeds water for a predetermined time by gravity from a reservoir. Sham teaches a method for supplying steam to a cooking device by mounting a water reservoir on the side of the device (Figure 5, #20), then opening and closing a valve for the desired time period (Figure 5, #22) to gravitationally feed the water to an evaporation vessel (Figure 5, #21, 39; column 3, lines 48-63). It would have been obvious to one of ordinary skill in the art to incorporate the gravity fed water supply of Sham into the invention of Manganiello et al since all are directed to methods of operating steam ovens, since Manganiello et al already included manual feeding of water by gravity (column 5, line 31), since Sham teaches that gravity fed water from reservoirs was commonly practiced in the steam cooker art, and since the automatic refilling means of Sham would have eliminated the need for manual refilling in the method of Manganiello et al. In conclusion, all of the claimed elements were known in

Art Unit: 1794

the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manganiello et al, in view of Sham, as applied above, and further in view of Polster [Pat. No. 5,613,423].

Manganiello et al and Sham teach the above mentioned concepts. Manganiello et al do not recite a first threshold temperature of 110-130°C and/or a stabilization temperature of 100-120°C. Polster teaches a method for operating a steam cooker by using temperature sensors attached to the vessel to detect low water levels and automatically operate a water supply and control valve to refill the vessel (column 8, lines 45 to column 9, line 7) wherein the device operates with water heated to a stabilization temperature of 140-212°F or 60-100°C (column 10, lines 20-28). It would have been obvious to one of ordinary skill in the art to incorporate the temperature range of Polster into the invention of Manganiello et al, in view of Sham, since all are directed to methods of maintaining a water level within a steam generator, since Manganiello et al simply did not specify a stabilization temperature, and since Polster teaches that steam cookers commonly operated at a stabilization temperature of 140-212°F or 60-100°C (column 10, lines 20-28).

Art Unit: 1794

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manganiello et al, in view of Sham, as applied above, and further in view of Hanks [Pat. No. 1,913,442]

Manganiello et al and Sham teach the above mentioned concepts. Manganiello et al and Sham do not recite continuing to heat the water to result in complete evaporation. Hanks teaches a method for cooking food in steam cooker by completely evaporating the water (page 1, lines 16-24). It would have been obvious to one of ordinary skill in the art to incorporate the complete evaporation of hanks into the invention of Manganiello et al, in view of Sham, since all are directed to methods of operating steam cookers, since Manganiello et al already included monitoring the temperature of the bottom surface of the heater, and since Hanks teaches that cooking via complete evaporation followed by automatic shut-down of the device was commonly known and practiced in the steam cooker art (page 1, lines 16-24).

Response to Arguments

8. Applicant's arguments with respect to claims 1-7, 10, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 1794

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E. Becker whose telephone number is 571-272-1396. The examiner can normally be reached on Mon.-Fri. 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Drew E Becker/
Primary Examiner, Art Unit 1794